

REMARKS

Claims 34-55 remain in this application. Claims 34, 54, and 55 have been amended. Claims 1-33 have been previously canceled without prejudice or disclaimer of the subject matter therein.

Reconsideration of the rejection of claims 34-36, 45, 50, 51, and 53 under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 4,768,241 to Beney ("Beney") is requested. It is believed that amended independent claim 34, and dependent claims 35, 36, 45, 50, 51, and 53, are not anticipated by Beney for the reasons given below.

Regarding claim 34, Beney does not disclose or suggest "a cart adapted to carry patient care equipment, a battery and a fluid supply ..." in combination with "the cart not configured to carry a patient." In contrast, as disclosed at col. 2, lines 13-16 and lines 24-28, and shown in Figs. 1 and 4, Beney discloses a hospital bed 10 having a patient support structure 22 for carrying a patient. Accordingly, applicants respectfully submit that amended independent claim 34, and dependent claims 35, 36, 45, 50, 51, and 53, are not anticipated by Beney, and hence withdrawal of the 35 U.S.C. 102(b) rejection thereof is respectfully requested.

Reconsideration of the rejection of claims 37-44 and 46-49 as being unpatentable under 35 U.S.C. 103(a) over Beney in view of U.S. Pat. No. 5,235,713 to Guthrie et al. ("Guthrie") is requested. It is believed that claims 37-44 and 46-49 patentably distinguish over Beney and Guthrie for the reasons given below.

Claims 37-44 and 46-49 depend from claim 34, and, therefore, patentably distinguish over Beney for the reasons given above in support of claim 34. Guthrie is neither proffered for nor does it overcome the deficiencies of Beney. Specifically, Guthrie does not disclose or suggest "a cart adapted to carry patient care equipment, a battery and a fluid supply ..." in combination with "the cart not configured to carry a patient." Accordingly, applicants respectfully submit that claims 37-44 and 46-49 patentably distinguish over Beney and Guthrie, and hence withdrawal of this 35 U.S.C. 103(a) rejection thereof is respectfully requested.

Reconsideration of the rejection of claims 52, 54, and 55 as being unpatentable under 35 U.S.C. 103(a) over Beney is requested. It is believed that independent claims 54, 55, and dependent claim 52, patentably distinguish over Beney for the reasons given below.

Claim 52 depends from claim 34, and, therefore, patentably distinguishes over Beney for the reasons given above in support of claim 34. Regarding claim 54, Beney does not

disclose or suggest “a cart... having a height, a length, a width, ...” in combination with “the height of the cart being greater than the length and the width thereof.” In contrast, as shown in Figs. 1 and 4, Beney discloses a hospital bed 10 having a patient support structure 22 for carrying a patient. Thus, not only Beney does not disclose “a cart,” the height of Beney’s bed 10 is not “greater than the length and the width thereof.”

Regarding claim 55, Beney does not disclose or suggest “a cart adapted to carry patient care equipment and a fluid supply” in combination with “the cart not configured to carry a patient.” In contrast, as shown in Figs. 1 and 4, Beney discloses a hospital bed 10 having a patient support structure 22 for carrying a patient. In addition, Beney does not disclose or suggest “the cart having an upwardly-facing top wall and a display located on the upwardly-facing top wall to provide fluid supply-related information.” The examiner asserts that “it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the display into an upwardly facing top wall of the bed structure (10) of Beney, since one of ordinary skill in the art would have recognized the most advantageous positioning of the display so as to facilitate monitoring of the status of the patient and as well as the equipment carried on the mobile bed.” Regardless of the Examiner’s assertion, the incontrovertible fact is that Beney has not disclosed or suggested “a display located on the upwardly-facing top wall” of his bed structure “to provide fluid supply-related information.” The examiner gives no basis or explanation whatsoever of why it is obvious to modify Beney in the manner indicated by him. Absent the hindsight afforded by the applicants’ disclosure, it would not be obvious to a person of ordinary skill in the art to “incorporate the display into an upwardly facing top wall of the bed structure (10) of Beney” to provide fluid supply-related information.

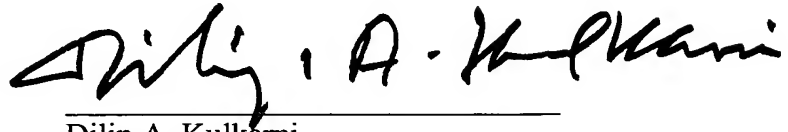
Accordingly, applicants respectfully submit that independent claims 54, 55, and dependent claim 52, patentably distinguish over Beney, and hence withdrawal of this 35 U.S.C. 103(a) rejection thereof is respectfully requested.

In view of the foregoing amendment and supporting remarks, the subject application is now deemed to be in condition for allowance, and such action is respectfully requested. If the Examiner believes that a telephonic interview would expedite the allowance of this application, he is requested to contact the undersigned for a prompt resolution of any outstanding issues.

Applicants believe that no fees are required due to this amendment. It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response, and shortages and other

fees be charged, or any overpayment in fees be credited, to the Account of Barnes & Thornburg,
Deposit Account No. 10-0435, with reference to file 7175-74811.

Respectfully submitted,
BARNES & THORNBURG



Dilip A. Kulkarni
Reg. No. 27,510

Indianapolis, Indiana
Tel: 317-231-7419
Fax: 317-231-7433
Email: dilip.kulkarni@btlaw.com